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Attorneys for Defendant  
 LIFESCAN, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

HOME DIAGNOSTICS, INC.,  
 a Delaware corporation,  
  
 Plaintiff,  
 v.  
 LIFESCAN, INC., a California corporation,  
  
 Defendant.

LIFESCAN, INC., a California corporation,  
  
 Counterclaimant  
 v.  
 HOME DIAGNOSTICS, INC., a Delaware  
 corporation,  
  
 Counter-Defendant.

**CASE NO. C 01-20725 JW (PVT) (ADR)**

**STIPULATION AND ORDER RE  
 DISMISSAL OF ACTION WITH  
 PREJUDICE**



Defendant and Counterclaimant LifeScan, Inc. ("LifeScan") and Plaintiff and Counter-  
 Defendant Home Diagnostics, Inc. ("HDI") hereby stipulate, through their respective attorneys, that  
 this action shall be and is dismissed with prejudice in its entirety. LifeScan and HDI further stipulate  
 that each party shall bear its own costs and attorneys' fees.

By his signature below, Scott R. Mosko certifies he has authority from Joseph Lucci to file  
 this pleading.

Dated: June 1, 2005

QUINN EMANUEL URQUHART OLIVER &  
 HEDGES, LLP

By: \_\_\_\_\_/s/  
 Joseph Lucci  
 Attorneys for Defendant and Counterclaimant  
 LIFESCAN, INC.

Dated: June 1, 2005

FINNEGAN, HENDERSON, FARABOW,  
 GARRETT & DUNNER, L.L.P.

By: \_\_\_\_\_/s/  
 Scott R. Mosko  
 Attorneys for Plaintiff and Counter-Defendant  
 HOME DIAGNOSTICS, INC.

### ORDER

Pursuant to the stipulation of the parties, and good cause appearing therefore,  
 IT IS SO ORDERED.

Dated: 6/2/05

/s/ James Ware  
 Honorable James Ware  
 UNITED STATES DISTRICT JUDGE